THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6650 OF 2007

DATED: 26-06-2007

Between :

Ashok Leyland Finance Limited,
(A Division of INDUSIND BANK), III Floor,
Minerva Complex, S.D. Road, Secunderabad,
Rep. By its Junior Manager (Legal)
Mr. S. Sreenath. .. Petitioner

And

1. National Insurance Company Limited, Saifabad,
   Hyderabad, rep. By its Branch Manager.,
   And 2 others. .. Respondents

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ORDER :

Heard the learned Counsel for the petitioner and perused the material on record.

On the face of it, the matter does not involve enforcement of any legal right or statutory obligation. It is apparent that the petitioner's claim is based on the General Power of Attorney said to have been executed by the 3rd respondent herein and what is sought by the petitioner is nothing but enforcement of terms and conditions of the contract between the petitioner and the 3rd respondent. Since the alleged inaction on the part of the respondents 1 and 2 in settling the claim of the petitioner cannot be held to be in breach of any statutory obligation, it is not open to the petitioner to seek a Writ of Mandamus.

Accordingly, granting leave and liberty to the petitioner to work out the appropriate remedy as available under law before the proper forum, the Writ Petition is dismissed. No costs.

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G. ROHINI, J.

Dt. 26-6-2007

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